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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,882	12/09/2003	James Rohl	279.630US1	6739
21186	7590	11/17/2006	EXAMINER	
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402				HAMILTON, ISAAC N
ART UNIT		PAPER NUMBER		
		3724		

DATE MAILED: 11/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/731,882	ROHL ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Isaac N. Hamilton	3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 28 August 2006.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 10-12 and 53-63 is/are pending in the application.  
 4a) Of the above claim(s) 53-56 and 58-63 is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 10-12, 57 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 09 December 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>09/03/04, 08/28/06</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Invention III, claims 10-12, in the reply filed on 08/28/06, is acknowledged.

With the election of Invention III, the newly submitted claims 53-56 and 58-63, which are directed to inventions that are independent or distinct from the elected invention, are non-elected. The newly submitted claims ~~are~~ have two way distinctness with the elected invention due to a feature which distinguishes it from Invention III. The features are as follows: Claims 53 and 54 provide a lubrication dam; Claim 55 provides a location of the lubrication that is  $\frac{1}{4}$  of the total perimeter of the periphery of the die hole; Claim 56 provides a lubricant that is compatible with a chemistry of the sheet; Claim 58 provides a punch guide with no stripper plate; Claim 59 provides actuating the punch upwardly; Claim 60 provides picking the punched electrode layer out of the backside of the die; Claim 61 provides a top surface extends through the die above the second side of the die; Claim 62 provides an aluminum tab portion; Claim 63 provides an electrode layer punched out of the sheet without applying any compression forces on the sheet. Claim 57 is examined with Invention III because Fluorinert fluid is understood to be a fluorinated or partially fluorinated fluid as recited in claim 11.

### ***Drawings***

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 216. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include

all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless.—

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 10 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsubota (5,361,660). Tsubota discloses placing sheet A between punch 3 and die 7, 11; die hole is in the center of element 7, through which punch 3 passes; delivering lubricant via element 21 as shown in figure 1; actuating the punch as shown in figure 2; the element A in figure 2, which is shown passing through elements 7 and 11 is considered to be an electrode layer for a flat capacitor; sheet is aluminum as disclosed in column 4, line 31; aluminum sheets inherently have an aluminum oxide portion due to the sheets exposure to air as evidenced by Frank et al (2,854,074) in column 1, line 27-29; the lubricant is concentrated on the periphery of the die hole where the punch cuts through the aluminum portion as shown in figure 1.

***Claim Rejections - 35 USC § 103***

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Tsubota in view of Clint et al (3,288,715), hereafter Clint. Tsubota discloses everything as noted above, but does not disclose delivering a partially fluorinated fluid, however, Clint teaches delivering a partially fluorinated fluid in column 2, lines 2-4. It would have been obvious to deliver a partially fluorinated fluid in Tsubota as taught by Clint in order to obtain a bright surface on the fabricated aluminum.

7. Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Tsubota in view of Clint, and further in view of 3M. Tsubota, as modified above, discloses everything, but the partially fluorinated fluid is not Fluorinert fluid, however, 3M teaches the advantages of delivering Fluorinert fluid. It would have been obvious to deliver a Fluorinert fluid in Tsubota and Clint as taught by 3M in order to use a lubricant that does not contribute to ground-level smog formation.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Scott et al and Miller are cited for a similar method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Isaac Hamilton whose telephone number is 571-272-4509. The examiner can normally be reached on Monday through Friday between 8am and 5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on 571-272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IH  
November 13, 2006

  
KENNETH E. PETERSON  
PRIMARY EXAMINER